

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

OSCAR SMITH, JR. and	:	CIVIL ACTION
O. SMITH AGENCY, INC.	:	
	:	
v.	:	
	:	
THE ALLSTATE CORPORATION	:	
and THE ALLSTATE INSURANCE	:	
COMPANY	:	NO. 12-0144

ORDER

AND NOW, this 10th day of July, 2012, upon consideration of Defendants' Motions to Dismiss (Document No. 6), the plaintiff's response and the defendants' reply, it is **ORDERED** that the motion is **GRANTED IN PART** and **DENIED IN PART**.

IT IS FURTHER ORDERED as follows:

1. The motion is **DENIED** as to Count II.
2. The motion is **GRANTED** as to Counts I, III, IV and V.
3. Counts I, III, IV and V are **DISMISSED**.

/s/ Timothy J. Savage
TIMOTHY J. SAVAGE, J.